

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENNETH A. THELIAN, an individual, on  
behalf of himself, the general public  
and those similarly situated,

Plaintiff,

v.

AT&T MOBILITY LLC; NEW CINGULAR WIRELESS  
PCS LLC; and NEW CINGULAR WIRELESS  
SERVICES, INC.,

Defendants.

No. C 10-3440 CW

ORDER GRANTING  
DEFENDANTS'  
RENEWED MOTION TO  
COMPEL ARBITRATION  
AND STAY ACTION  
(Docket No. 32)

Defendants AT&T Mobility LLC, New Cingular Wireless PCS LLC,  
and New Cingular Wireless Services, Inc. (collectively, ATTM) have  
filed a renewed motion to compel arbitration Plaintiff Kenneth  
Thelian's claims.<sup>1</sup> Thelian did not oppose the motion and has  
therefore waived the issue. Accordingly, the Court GRANTS ATTM's  
motion to compel arbitration and stay the action. (Docket No. 32)  
The case is stayed pending arbitration, which must be diligently  
pursued.<sup>2</sup> Nothing contained in this order shall be considered a  
dismissal or disposition of this action, and, should further

<sup>1</sup> ATTM has also filed a renewed motion to compel arbitration  
in the related case, McArdle v. AT&T Mobility LLC, No. 09-1117.  
The motion was opposed in that case and will be decided separately  
after oral argument.

<sup>2</sup> There appears to be no further reason at this time to  
maintain the file as open for statistical purposes, and the Clerk  
is instructed to submit a JS-6 Form to the Administrative Office.

proceedings become necessary or desirable, any party may move to  
restore the case to the Court's calendar.

IT IS SO ORDERED.

Dated: 7/3/2013

  
CLAUDIA WILKEN  
United States District Judge